

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2004 - 0008

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN  
FOR THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS TO  
INCORPORATE SITE-SPECIFIC TEMPERATURE OBJECTIVES FOR  
DEER CREEK IN EL DORADO AND SACRAMENTO COUNTIES

WHEREAS:

The Central Valley Regional Water Quality Control Board (Regional Board) adopted a Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan) on December 9, 1994 which was approved by the State Water Resources Control Board (SWRCB) on February 16, 1995 and by the Office of Administrative Law (OAL) on May 9, 1995.

On July 19, 2002, the Regional Board adopted Resolution No. R5-2003-0006 (Attachment) amending Chapters 3 and 5 of the Basin Plan by establishing a site-specific objective for temperature for Deer Creek (located in El Dorado and Sacramento Counties) and a special study of temperature, flow, and biota on Deer Creek.

3. SWRCB finds that the site-specific objective for temperature for Deer Creek is in conformance with the requirements of the federal Clean Water Act and SWRCB Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California).
4. The Regional Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
5. This Basin Plan amendment does not become effective until approved by SWRCB and until the regulatory provisions are approved by OAL and provisions related to water quality standards are approved by the U.S. Environmental Protection Agency (USEPA).

THEREFORE BE IT RESOLVED THAT:

SWRCB:

1. Approves the amendments to the Central Valley Water Quality Control Plan as adopted under Regional Board Resolution No. R5-2003-0006.
2. Authorizes the Executive Director or designee to transmit the amendment and administrative record for this action to OAL and to USEPA for approval.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 19, 2004.

  
Debbie Irvin  
Clerk to the Board

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

**RESOLUTION NO. R5-2003-0006**

**AMENDING THE WATER QUALITY CONTROL PLAN  
FOR  
THE SACRAMENTO RIVER AND SAN JOAQUIN RIVER BASINS  
TO ADOPT SITE SPECIFIC TEMPERATURE OBJECTIVES FOR DEER CREEK IN  
EL DORADO AND SACRAMENTO COUNTIES**

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) finds that the amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan) was developed in accordance with California Water Code Section 13240, et seq.; and

WHEREAS, the Federal Clean Water Act (CWA) requires the Regional Board to develop water quality objectives which are sufficient to protect beneficial uses designated for each water body found within its region; and

WHEREAS, the current Basin Plan contains water quality objectives for temperature that limit increases in temperature of intrastate waters to no more than 5 degrees Fahrenheit above natural receiving water temperature; and

WHEREAS, the 1986 United States Environmental Protection Agency (USEPA) Quality Criteria for Water recommend that acute and chronic temperature limitations be determined based on the important species found at the time and not based on a fixed change above background; and

WHEREAS, the natural temperature in Deer Creek fluctuates widely making compliance with the current objective infeasible; and

WHEREAS, staff has prepared proposed amendments to the Basin Plan based on site specific data and current science on the effects of temperature on the beneficial uses of Deer Creek; and

WHEREAS, the proposed site specific temperature objectives are based on the resident populations in the creek for which data are available and are more stringent than the temperature criteria described in the 1986 USEPA Quality Criteria for Water; and

WHEREAS, site specific biological data for Deer Creek show that the resident aquatic life is fully protected by the proposed daily maximum and monthly mean temperatures; and

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WHEREAS, the amendment proposed for adoption into the Basin Plan will revise Chapter 3 "Water Quality Objectives" of the Basin Plan to adopt site specific temperature objectives for Deer Creek in El Dorado and Sacramento counties and revise Chapter 5 "Surveillance and Monitoring" of the Basin Plan to identify a special study of temperature, flow and biological monitoring on Deer Creek; and

WHEREAS, the amendment will resolve a compliance problem for discharges of highly treated wastewater into Deer Creek; and

WHEREAS, there is no impact on downstream waters within the range of proposed objectives; and

WHEREAS, the Regional Board has considered the costs of implementing the amendment, and finds these costs to be a reasonable burden relative to the environmental benefits; and

WHEREAS, the basin planning process has been certified as "functionally equivalent" to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code, Section 21000 et seq.); and

WHEREAS, Regional Board staff has prepared a draft amendment and staff report dated July 2002 and revised January 2003 in response to public comment; and

WHEREAS, Regional Board staff has prepared a Notice of Filing and an environmental checklist that indicates that the proposed amendment results in no potential for adverse effect, either individually or cumulatively, on wildlife; and

WHEREAS, Regional Board staff has prepared and circulated the draft amendment, staff report, Notice of Filing, and an environmental checklist to interested individuals and public agencies for review and comment in accordance with state and federal environmental regulations (23 CCR Section 3775, 40 CFR 25, and 40 CFR 131); and

WHEREAS, the Regional Board held a public hearing on 31 January 2003, for the purpose of receiving testimony on the proposed Basin Plan amendment. Notice of the public hearing was sent to all interested persons and published in accordance with California Water Code, Section 13244; and

WHEREAS, a Basin Plan amendment must be approved by the State Water Resources Control Board (SWRCB), Office of Administrative Law (OAL), and USEPA before becoming effective; and

WHEREAS, the amendment is consistent with the SWRCB "Statement of Policy With Respect to Maintaining High Quality of Waters in California" (SWRCB Resolution No. 68-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated

beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12); and

WHEREAS, the regulatory action proposed meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b):  
Therefore be it

RESOLVED, pursuant to California Water Code Section 13240, et seq., the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to the Basin Plan as set forth in Attachment 1; and be it further

RESOLVED, that the Executive Officer is directed to forward copies of the Basin Plan amendment to the SWRCB in accordance with the requirements of California Water Code Section 13245; and be it further

RESOLVED, that the Regional Board requests that the SWRCB approve the Basin Plan amendment in accordance with the requirements of California Water Code Sections 13245 and 13246 and forward it to OAL and the USEPA; and be it further

RESOLVED, if during its approval process the SWRCB or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes; and be it further

RESOLVED, that the Executive Officer is directed to modify the Monitoring and Reporting Program established under Order No. R5-2002-0210 (NPDES No. CA 0078662) upon final approval of the site specific temperature objectives for Deer Creek to include temperature, flow and biological monitoring, consistent with section 8.1.1 of the January 2003 staff report, to evaluate compliance with said objectives and their effects on beneficial uses; and be it further

RESOLVED, the Executive Officer is authorized to sign a Certificate of Fee Exemption and following approval of the Basin Plan amendment by the USEPA submit this Certificate in lieu of payment of the Department of Fish and Game filing fee to the Secretary for Resources; and be it further

RESOLVED, the environmental documents prepared by Regional Board staff pursuant to Public Resources Code Section 21080.5 is hereby certified and, following approval of the Basin Plan amendment by the SWRCB, the Executive Officer shall file a Notice of Decision with the State Clearinghouse.

RESOLUTION NO. R5-2003-0006  
AMENDMENT TO ADOPT SITE SPECIFIC  
TEMPERATURE OBJECTIVES FOR  
DEER CREEK IN EL DORADO AND SACRAMENTO COUNTIES

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I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 31 January 2003.

/s/  
THOMAS R. PINKOS, Executive Officer

ATTACHMENT 1  
RESOLUTION NO. R5-2003-0006  
AMENDMENT TO BASIN PLAN  
TO ADOPT SITE SPECIFIC TEMPERATURE OBJECTIVES FOR  
DEER CREEK IN EL DORADO AND SACRAMENTO COUNTIES

Revise Basin Plan sections as follows:

**CHAPTER III. – WATER QUALITY OBJECTIVES**

Add the following sentence to the third paragraph of the “Temperature section” on page III-8.00:

For Deer Creek, source to Cosumnes River, temperature changes due to discharges shall not cause creek temperatures to exceed the objectives specified in Table III-4A.

Insert the following Table III-4A following Table III-4 on page III-8.00.:

<u>Date</u>	<u>Daily Maximum (°F)<sup>a</sup></u>	<u>Monthly Average (°F)<sup>b</sup></u>
<u>January and February</u>	<u>63</u>	<u>58</u>
<u>March</u>	<u>65</u>	<u>60</u>
<u>April</u>	<u>—</u>	<u>64</u>
<u>May</u>	<u>—</u>	<u>—</u>
<u>June</u>	<u>—</u>	<u>—</u>
<u>July through Sept.</u>	<u>—</u>	<u>—</u>
<u>October</u>	<u>—</u>	<u>—</u>
<u>November</u>	<u>—</u>	<u>—</u>
<u>December</u>	<u>—</u>	<u>—</u>

a Maximum not to be exceeded.

b Defined as a calendar month average.

**CHAPTER V. – SURVEILLANCE AND MONITORING**

Insert the following paragraph at the end of the “Special Studies” section on page V-2.00:

Another such study is a surveillance and monitoring program conducted by the El Dorado Irrigation District (EID) on Deer Creek in El Dorado and Sacramento Counties. Regional Board staff will work with EID to ensure adequate temperature, flow and biological monitoring is conducted to evaluate compliance with the site specific temperature objectives for Deer Creek and their effect on beneficial uses.